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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,501	01/26/2005	Jurgen Flach	4952-107 US	7571
26817 7590 11/10/2008 MATHEWS, SHEPHERD, MCKAY, & BRUNEAU, P.A. 29 THANET ROAD, SUITE 201 PRINCETON, NJ 08540				
EXAMINER KELLER, MICHAEL J				
ART UNIT		PAPER NUMBER		
3634				
MAIL DATE		DELIVERY MODE		
11/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/522,501

**Applicant(s)**

FLACH, JURGEN

**Examiner**

Michael J. Keller

**Art Unit**

3634

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17, 18, 20, 26 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17, 18, 20, 26 and 33-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. In Applicant's amendment dated 08/22/2008, claims 12-16, 19, 21-25 and 27-32 have been canceled, claims 17, 18, 20 and 26 have been amended, and new claims 33-36 have been added. Examiner's previous rejections of claims 12-32 are withdrawn. Examiner's objections to the specification are withdrawn.

***Claim Rejections - 35 USC § 103***

2. **Claims 20, 26 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carbonara (US 2,968,790) in view of Wilson (US 7,167,076).**

Carbonara discloses a system for opening and/or closing a door comprising: a transmitter unit (electric lock) which includes a light sensor (Col. 1 Lines 45-46), said transmitter unit can be activated by a predetermined sequence of light signals of predetermined length detected by the light sensor (Col. 1 Lines 22-25 and 68-71), and the transmitter unit includes a code setting device (a plurality of spaced tongues, Col. 1 Lines 53-57) by means of which the sequence of light pulses and the length of light pulses for activation can be programmed (according to the spacing of the tongues, Col. 2 Lines 11-16).

Carbonara does not disclose the transmitter unit including a wireless transmitter which transmits a signal to a receiver unit connected to the door drive.

Wilson discloses a system for opening and/or closing a door wherein a wireless transmitter (26, Fig. 1a) generates and transmits a coded signal to a receiver (Col. 3 Lines 34-44). While the transmitter is shown in the figures to be attached to a wall of the garage, not the door, Wilson states that the transmitter (which is held within the

control module) could be mounted at any location (Col. 4 Lines 13-16). Because the control module may optionally be powered by batteries (Col. 6 Lines 54-56) the location is not limited by the availability of power outlets.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the transmitter unit of Ballentine with the wireless transmitter of Wilson to allow the transmitter to be located anywhere in the garage without having to run wiring to the motor controller.

**3. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carbonara (US 2,968,790) in view of Wilson (US 7,167,076), and further in view of Thompson et al. (U.S. Patent 5,978,483).**

The combination of Carbonara and Wilson discloses a system for opening and/or closing a door as set forth above, but does not disclose wherein said code setting device comprises jumpers or DIP switches.

Thompson et al. discloses a remote keyless entry system for preventing access to unauthorized individuals by securely encrypting messages transmitted from a remote transmitter to a receiver. The messages being encrypted with transmitter identification (ID) codes (Col. 2 Lines 52-58). The ID codes may be set using DIP switches or jumpers (Col. 10 Lines 59-61).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the code setting device of Carbonara and Wilson with DIP switches or jumpers as disclosed in Thompson et al. in order to provide a simpler means of programming the sequence and length of the light pulses.

***Response to Arguments***

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The documents cited on form PTO-892 disclose systems for opening and/or closing a garage door including a sensor which detects light signals from a vehicle.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Keller whose telephone number is 571-270-5219. The examiner can normally be reached on Monday - Friday 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/  
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/M. J. K./  
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